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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,129	07/28/2003	Sig G. Kupka	23412-07847	6591
758	7590	04/05/2006	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			CHOW, DOON Y	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,129	KUPKA, SIG G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dennis-Doon Chow	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32,39-44 and 48-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32,39-44 and 48-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7-10, 17, 18, 22-24, 39, 40, 48, 49 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al. (4202037) in view of Kim et al. (US 6424335).

Regarding to claims 1, 17, 39 and 48, Glaser discloses user interface for a device including a display, for manipulating an object displayed on the display, the device executing program instructions for providing the user interface, the user interface comprising: a displayed representation of the object (28, Fig. 4a-4c); and a control region surrounding the displayed representation of the object and comprising a plurality of zones for accepting object manipulation commands via an input device (col. 5, lines 22-68).

Glaser does not disclose two modes of user input. However, using two modes of user input for inputting information to a display device is well known in the art. Kim, as an example, teaches using a mouse mode and a touchpad mode for inputting information to a display device (col. 17, lines 9-12).

It would have been obvious to one of ordinary skill in the art to use two modes of user input in Glaser's device. This would have been obvious because two user input mode provides more input flexibilities than one user input mode.

Regarding to claims 2, 7-9, 22-24, and 53-55, Glaser further discloses the zones are arranged in a matrix comprising rows of cells, and wherein the object representation is located within a cell of the matrix. (See Figs. 4a-4c).

Regarding to claims 3, 10, 18, 40, 49, and 56, Glaser further discloses a tablet for detecting a stylus position, and Kim discloses a mouse and a touchpad (col. 17, lines 9-12).

3. Claims 4-6, 19-21, 41, and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al. in view of Kim et al as applied to claims 1-3, 7-10, 17, 18, 22-24, 29, 40, 48, 49 and 53-56 above, and further in view of Scott (5543818).

Glaser does not disclose a keyboard including keys corresponding to the zones.

Scott, in the same display field, discloses an input device comprises a keyboard (4, Fig 1), and wherein keys (standard and additional keys) on the keyboard are selectively assigned to zones (see Fig. 1).

In light of Scott, it would have been obvious to one of ordinary skill in the art to use Scott's concept in the invention of Glaser so that the zones can be selected by using a keyboard.

4. Claims 11-14, 25-28, 30, 32, 42-43, and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al. in view of Kim et al as applied to claims 1-3, 7-10, 17, 18, 22-24, 29, 40, 48, 49 and 53-56 above, and further in view of Haynes et al (6177941).

Regarding to claims 11, 25, 42, 57, Glaser does not disclose displaying a menu in proximity to a activated zone.

Haynes, in the same display field, discloses displaying a menu in proximity to a activated zone (Fig. 3).

In light of Haynes, it would have been obvious to one of ordinary skill in the art to use Haynes' concept in Glaser's invention because the additional menu allows the display to expand the control region.

Regarding to claims 12, 13, 26, 27, 30, 32, 43, 58, Kim's mouse mode inherently comprises a mouse button (double-click command) for activating a menu.

Regarding to claims 14, 28 the modified Glaser does not disclose using a voice command. However, using a voice command to activate a menu is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to use the well-known voice command to activate the menu of the modified Glaser. This would have been obvious because the voice command allows the user to activate the menu remotely and eliminates the use of the user's hand to control the input device.

5. Claims 15, 16, 29, 31, 44, 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al. in view of Kim et al as applied to claims 1-3, 7-10, 17, 18, 22-24, 29, 40, 48, 49 and 53-56 above, and further in view of Kurtenbach (5689667).

The modified Glaser does not disclose a stroke command.

Kurtenbach discloses a user interface comprising a pen/stylus for inputting a stroke command to activate a menu/zone, wherein the stroke command includes an icon indicating a stroke direction.

In light of Kurtenbach, it would have been obvious to one of ordinary skill in the art to use Kurtenbach's stroke command in the user interface of the modified Glaser because the stroke command allows the user to activate the menu/zone rapidly.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 571-272-7767. The examiner can normally be reached on 8:30-5:00.

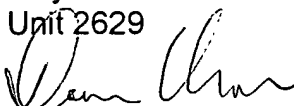
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Chow  
April 2, 2006

Dennis-Doon Chow  
Primary Examiner  
Art Unit 2629

  
**DENNIS-DOON CHOW**  
**PRIMARY EXAMINER**